

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Rickey B. Williams,)	C/A NO. 3:09-2486-CMC-PJG
)	
Plaintiff,)	
)	ORDER
v.)	
)	
City of Sumter, S.C. Police Dept.;)	
Catherine Fant; Patty Patterson; William)	
Noonan; Angela Rabon; Kevin Sargent;)	
L. Irene Culick; Marcus Johnston; John)	
Litaker; Debra Finley; and John Chestnut,)	
each and respectively in th[eir] individual)	
and official capacities,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to a United States Magistrate Judge of this District for pre-trial proceedings and a Report and Recommendation ("Report"). On November 16, 2009, the Magistrate Judge issued a Report recommending that Defendant Catherine Fant be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on November 30, 2009.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's objections are unavailing, as Fant is entitled to absolute immunity for her prosecutorial decisions.

Accordingly, Defendant Catherine Fant is dismissed from this action without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 26, 2010